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Yonkers sugar refinery worker gets \$13.4M after bias lawsuit

BY VICTORIA BEKIEMPIIS

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Rosanna Mayo-Coleman, 59, won a \$13.4 million settlement against American Sugar Holding. (PROVIDED)

What sweet revenge.

A Yonkers sugar refinery worker whose boss allegedly "smacked" her buttocks won \$13.4 million in her lawsuit against the company, the Daily News has learned.

Rosanna Mayo-Coleman, 59, received the whopping judgment against Domino Sugar's parent company on Friday, following a four-day jury trial in Manhattan Federal Court. Mayo-Coleman filed suit against American Sugar Holding in January 2014, alleging she had endured sexual discrimination at the refinery, where she has worked since 1987. The work environment started to deteriorate in summer 2008, after Mayo-Coleman's new boss saw her in "street clothes" as she left the refinery one day, court papers show. "Oh you're a little cutie! You look good when you clean up," the boss, Tyrone Smith, allegedly said.

Smith then "went out of his way to sexually harass and sexually pursue Plaintiff." While Mayo-Coleman kept shooting Smith down, he wouldn't leave her alone, repeated, and telling her that she should stop pretending that she didn't want him," court papers claim.

At least one supervisor tried to intervene but the human resources department did nothing to effectively stop Smith, according to her lawyers, Megan Goddard, Nathaniel Smith on Feb. 21, 2012 "smacked Mayo-Coleman on the buttocks as she walked out of his office," the suit alleges.

Mayo-Coleman told Smith she would immediately report him to human resources.

"They ain't gonna do anything, they won't even believe you," he allegedly taunted. "If you continue to report me, you know what is going to happen?" He then started a "WAR."

At the urging of her increasingly worried family, Mayo-Coleman ultimately filed a complaint with the Equal Employment Opportunity Commission in fall 2012.

Smith left the refinery around mid-2013.

Despite Smith's departure, Mayo-Coleman insists she was still treated differently because of her gender.

While the circumstances surrounding Smith's departure are not clear, Goddard said they were not related to Mayo-Coleman's complaints against him.

Attempts to reach Smith were not immediately successful.

"Ms. Mayo-Coleman fought for her rights, and the rights of all women to work in a harassment free environment. This litigation was a long, hard battle, but she never gave up. When American Sugar was asked for comment, Vice President Peter O'Malley said in an emailed statement that "We are aware of the jury's findings and dispute the verdict."

"We work hard to ensure a culture of respect within our organization and will continue to pursue all legal options available to us," O'Malley's statement also said.

Mayo-Coleman won \$1.7 million in compensatory damages and \$11.7 million in punitive damages.

Because of a cap on punitive damages for some federal discrimination claims, the verdict will likely be disputed.

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NY Federal Jury Awards \$13.4 Million in Sexual Harassment Case Against Domino Sugar

By [Jason Grant](/newyorklawjournal/author/profile/jason-grant/) | UPDATED Mar 07, 2018 at 04:07 PM

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Domino Sugar refinery plant in Yonkers. Photo: Youtube

A federal jury has awarded \$13.4 million to a woman who suffered sexual harassment at a sugar refinery plant in Yonkers—an amount that her lawyer claims is unusually large and sends a “loud and clear” message in the #MeToo era.

“For a single plaintiff sex-harassment case, there are not a lot of awards in this range,” said Nathaniel Charny of Charny & Wheeler, one of the lawyers representing the plaintiff during a weeklong trial last week in Manhattan that resulted in a verdict and award against American Sugar Holding Inc., the parent company of Domino Sugar.

The company, for its part, disputed the claims. And the punitive damages, which account for \$11.7 million of the total award, are likely to be reduced by a federal statutory cap on such punitive damages awards.

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According to the suit, the plaintiff, Rosanna Mayo-Coleman, was a storeroom attendant at the Yonkers refinery with more than 20 years’ experience when, she alleged, she came under the supervision of a new male manager in 2008.

One of only three or four women in a union workforce of some 150 men, she allegedly began getting harassed by the manager repeatedly, eventually sending her

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into psychiatric counseling and treatment, Charny said.

The manager, Tyrone Smith, for years after 2008 commented regularly on her looks and solicited her romantic attention, the suit claimed. For instance, Charny said in a phone interview on Tuesday, Smith told her she had a “sweet ass” and that he “would tap that” if she weren’t “so old.”

He also allegedly spoke to her in such a way in front of others, Charny added, and he would call her into disciplinary meetings alone, close the door and pull her close, and one time grabbed her behind.

Smith, who was in his 30s, also allegedly denied her a chance for work at a better assignment helping welders in the refinery.

Mayo-Coleman, who is now near age 60 and is still working at the refinery, eventually sought psychiatric help and complained repeatedly to management from 2010 onward, including in a letter that said the harassment must stop.

The company in 2012 launched what Charny characterized as an incomplete and cursory internal investigation, sending in an HR representative from another plant who only interviewed some of the witnesses Mayo-Coleman named.

At trial, Charny said he and his trial partner and the lead counsel in the lawsuit, Megan Goddard of Goddard Law in Manhattan, called three employees the HR rep did not interview, right after opening arguments. They all took the stand and corroborated Mayo-Coleman’s story and allegations, he said.

American Sugar called an expert who challenged the plaintiffs’ claims about her injuries, Charny said.

“In my opinion this award is historic,” Charny said. “The current context of #MeToo is empowering juries, and it empowered this jury to send a message of this velocity ... Gender-based hostility in the workplace will no longer be tolerated and juries are sending the message loud and clear.”

Charny also noted that Goddard recently won a \$1.45 million verdict in a disability discrimination case brought by a female worker.

Goddard said in a statement, “I hope this verdict encourages more women to report sexual harassment, that it encourages companies to protect employees from sexual harassment, and that it inspires women to turn to the court when their employers fail to protect them.”

Kenneth Kelly, a partner at Epstein Becker & Green in Manhattan, represented American Sugar, the lone defendant at trial. He did not return a call seeking comment.

The verdict was for gender-based hostility in the workplace, Charny said. The trial began Feb. 26 and ended March 2 with the verdict and award. Gabrielle Vinci, an associate at Nesenoff & Miltenberg in Manhattan, also helped to represent Mayo-Coleman at trial.

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Landmark Sexual Harassment Settlement is Wake-Up Call for Area Businesses

American Sugar Holding's \$13.4 million payout to Yonkers employee Rosanna Mayo-Coleman marks a new era of intolerance for sexual harassment in the local workplace.

BY PAUL ADLER

Published: 03/14/2018



Businesses that turn a blind eye to sexual harassment have been put on notice. The March 2 decision by a Federal New York jury to award \$13.4 million to Rosanna Mayo-Coleman after she endured long-running harassment at American Sugar Holding Inc—a parent of Domino Sugar—marks a new age in the way area companies will be held accountable for such issues.

According to Mayo-Coleman's lead counsel, Megan Goddard (pictured right) of Goddard Law, the verdict may encourage others in a similar situation to report abuse. "I think first and foremost, that this verdict will cause a change in the way employees handle discrimination," says Goddard. "Rosanna Mayo-Coleman has inspired employees to report discrimination and to seek help from the courts if their employers won't protect them. When more employees report discrimination and are willing to go all the way, companies will have no choice but to do what they are legally required to do — protect their employees. This verdict makes it clear that employees do have power."



Litigation expert Nathaniel K. Charny Esq. (pictured below) of Charny & Wheeler, who argued the case with Goddard and Gabriella Vinci of Nesenoff & Miltenberg LLP, agrees the verdict is a watershed moment. “This represents one of the largest verdicts of its kind,” says Charny. “While Ms. Mayo-Coleman suffered under these conditions for a period of years, juries have not been awarding seven- and eight-figure damages in this context. With increasing public attention on the prevalence of harassment, this kind of an award goes a long way towards putting employers and their lawyers on notice — going to trial is now proving to be a particularly risky proposition.”



Mayo-Coleman worked as a storeroom attendant at American Sugar Holdings’ Yonkers refinery, where a manager harassed her by commenting on her looks and later soliciting her. Once his advances were rejected, he began what has been described as an enduring campaign of gender-based hostility that was ignored by the company despite the many complaints from Ms. Mayo-Coleman and others. American Sugar Holding did lead an investigation that was deemed ineffective. Mayo-Coleman bounced from lawyer to lawyer, but upon meeting her, Goddard knew the case was vitally important despite any apprehensions.

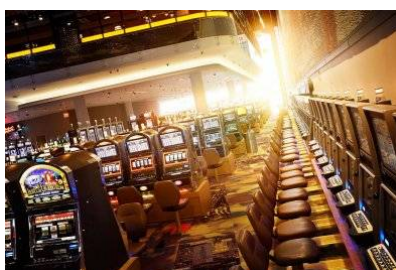
“Rosanna had been through many attorneys by the time she came to me, and she had been representing herself, which made me a little apprehensive about her case,” says Goddard. “When I met her though, and learned about Ms. Mayo-Coleman, her resolve, and the breadth of the discrimination she experienced I knew I had to take her case. Ms. Mayo-Coleman still worked for the company (and still does today) and she needed her job, but she knew that she had the right to work in a harassment-free environment and she was not going to stop pursuing her rights, no matter what.”

When it came time to argue the case, Goddard and Charny took a two-pronged approach: “Our case relied on two main components,” explains Charny. “First, that the misconduct rose to the level of violative gender-based hostility in the workplace, and second, that the company knew about and did less than nothing in response.”

Charny says that the sexual harassment began in 2008 and continued even after Ms. Mayo-Coleman's supervisor left employment for unrelated reasons in 2013. "Yet, the company waited until August 2012 to conduct an alleged investigation into Ms. Mayo-Coleman's complaints of gender-based hostility in the workplace, leaving her to continue suffering from harassment for years," he says. "And even once the company did conduct an investigation, it was grossly inadequate."

With the jury siding with Mayo-Coleman and handing over a historic verdict, Goddard feels that true change is in the air. "Companies need to actively promote a discrimination-free environment; they can't protect harassers, no matter how much money they might make for the company; and they have to make sure that retaliation is forbidden and that reporters are protected," says Goddard. "But really, there is no magic to this, it's common sense. Companies have the power and the resources to provide a discrimination- and harassment-free workplace, they just have to make the choice to do so."

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